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February 13, 2024

VIA ECF

Hon. Katherine Polk Failla
United States District Court,
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Mullen Technologies, Inc., et al. v. Gem Global Yield LLC, et al.*; Case No. 1:23-cv-11268
Request to Provisionally File Documents Under Seal

To the Honorable Kathrine Polk Failla:

We are counsel for Defendants GEM Global Yield LLC SCS, GEM Yield Bahamas Limited,¹ and Christopher Brown. Pursuant to Rule 9(B) of the Court's Individual Rules of Practice in Civil Cases, we write to respectfully request permission to provisionally file under seal the identified portions of the following documents that are being filed concurrently with Defendants' Request to Stay:

- Request to Stay: Highlighted portions that quote or refer to the exhibits thereto and identified herein.
- Ex. A to Request to Stay (Jan. 7, 2022 Arbitration Amended Statement of Claim): The entire document.
- Ex. B to Request to Stay (Feb. 1, 2022 Arbitration Answer to Amended Statement of Claim): The entire document.
- Ex. C to Request to Stay (Nov. 17, 2023 Arbitration Partial Final Award on Liability): The entire document.

¹ Defendants GEM Global Yield LLC SCS and GEM Yield Bahamas Limited are referred to as "GEM." Mullen Technologies, Inc. and Mullen Automotive, Inc. are referred to as "Mullen."

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- Ex. D to Request to Stay (Oct. 13, 2022 Arbitration Procedural Order No. 8): The entire document.
- Ex. E: to Request to Stay (Sept. 27, 2022 Arbitration Letter Brief): The entire document.

As explained in the Request to Stay, there is a pending arbitration between GEM and Mullen captioned *GEM Yield Bahamas Limited, et al. v Mullen Technologies, Inc., et al.* (ICDR Case No. 01-21-0016-7001) (the “Arbitration”). In the Arbitration, Mullen has taken the position that at least some Arbitration-related materials, including the Partial Final Award, are confidential and cannot be publicly disclosed.

GEM and Mr. Brown therefore respectfully request that the Court provisionally permit the under-seal filing of the above-identified and unredacted documents in order to allow Mullen an opportunity to submit a motion to permanently maintain them under seal. GEM and Mr. Brown further request that the Court set the following briefing schedule on any such motion to seal: (1) Mullen’s motion to seal (if any) shall be due within fourteen days of the Court’s order; (2) GEM and Mr. Brown’s response thereto (if any) shall be due seven days thereafter; and (3) Mullen’s reply (if any) shall be due five days thereafter.

Respectfully submitted,

/s/ Alexander L. Cheney

Alexander L. Cheney